



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Evan C. Unger Art Unit: 1617  
Application No.: 09/413,110 Examiner: Abigail Manda Cotton  
Filed: October 6, 1999 Confirmation No. 1596  
Title: METHODS FOR DELIVERING BIOACTIVE AGENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**DECLARATION OF APPLICANT UNDER 37 C.F.R. § 1.131**

I, Evan C. Unger, do hereby declare and state that:

1. I am the inventor of the subject matter described and claimed in the U.S. Patent Application Serial No. 09/413,110, filed on October 6, 1999 entitled "Methods for Delivering Bioactive Agents."

2. I am familiar with the prosecution history of Patent Application Serial No. 09/413,110.

3. I understand that the Examiner rejected claims 116-125, 129-131, 138-141, 146-151, 160, 164-166, 168-174, 178, and 179 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,695,460 to Siegel et al., in view of U.S. Patent No. 5,334,381 to Unger, and further in view of U.S. Patent No. 5,648,098 to Porter.

4. I also understand that the Examiner rejected claims 126-128 under 35 U.S.C. § 103(a) as being unpatentable over as being unpatentable over U.S. Patent No. 5,695,460 to Siegel et al., in view of U.S. Patent No. 5,334,381 to Unger, and further in view of U.S. Patent No. 5,648,098 to Porter, and further in view of U.S. Patent No. 5,542,935 to Unger et al.

5. I am aware of the fact that the present application Serial No. 09/413,110 has the effective filing date June 19, 1996, which is the filing date of the parent application Serial No. 08/666,129 (now U.S. Patent No. 6,033,645) to which the present application Serial No. 09/413,110 claims priority.

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6. I have reviewed U.S. Patent No. 5,648,098 to Porter and am aware that it was published July 15, 1997, which is after the above-mentioned effective filing date of the present application Serial No. 09/413,110. I am also aware that U.S. Patent No. 5,648,098 to Porter has its filing date of October 17, 1995 as the priority date.

7. I respectfully submit that the claimed invention was conceived in the United States and reduced to practice prior to October 17, 1995, the filing date of U.S. Patent No. 5,648,098 to Porter.

8. I further declare that all statements made herein of knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

02-16-07

Date

Evan Unger

Evan C. Unger